

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EARL BOND,	:	
	:	
Plaintiff,	:	
vs.	:	5:04 CV 377 (CAR)
	:	
	:	
JAMES G. ROCHE, Secretary,	:	
Department of the Air Force, et. al.	:	
	:	
Defendants.	:	

ORDER ON MOTION TO DISMISS

Currently before the Court is Defendants’ motion to dismiss [16]. Through this motion, Defendants move the Court to dismiss the individually named defendants, Dr. James G. Roche, General Dennis Haines, Michael O’Hara, and Steven Davis, from this action for lack of subject matter jurisdiction. Plaintiff Earl Bond did not file a response to the present motion.

Plaintiff filed his Complaint in this case in November of 2004 for alleged employment discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.* Title VII clearly requires all plaintiffs to name the head of the department, agency, or unit sued as the defendant in Title VII discrimination case. See 42 U.S.C. §2000e-16(c). The Eleventh Circuit has likewise explained that this provision means that, in Title VII actions, the only proper defendant is the head of the agency involved in his official capacity. Canino v. E.E.O.C., 707 F.2d 468, 472 (11th Cir. 1983) (“ . . . the head of the agency involved is the only appropriate defendant in a Title VII

action”).

As such, this Court agrees with Defendants that the only properly named party in this action is the Secretary for the Department of the Air Force in his official capacity.¹ All other named defendants are due to be **DISMISSED**.

SO ORDERED this 25th day of August, 2005.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

JLR/ssh

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The fact that James G. Roche is no longer the Secretary of the Air Force does not adversely effect this action; rather, his “successor is automatically substituted as a party.” Fed. R. Civ. P. 25(d)(1). All future filings shall be in the name of the substituted party. See id.